

1. The defendant's "'MOTION FOR RELIEF FROM VOID JUDGMENT SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES, PURSUANT TO 60(b)(4)'"(ECF No. 311) is DENIED, and the motion is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
3. The Clerk is DIRECTED to redocket the motion (ECF No. 311) as a § 2255 motion;
4. The § 2255 motion is hereby DENIED without prejudice as successive; and

5. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: December 5, 2013

/s/ James P. Jones
United States District Judge